W.P. No. 1480 of 2007 (S/S)
With
Stay App. No. Nil / 07

Hon'ble. P.C. Pant, J.

Heard Mr. K.K. Tiwari, learned counsel for the petitioner and Mr. H.M. Raturi, learned Standing Counsel for respondent No. 1, 2 and 3.

By means of this writ petition, the petitioner has challenged the order dated 25.09.2007, whereby the respondent No. 4 is promoted from the post of Assistant Teacher to the post of Head Master. A mandamus has also been sought commanding the respondents to promote the petitioner, as he is senior to respondent No. 4.

Learned Standing Counsel submitted that respondent No. 4 is a member of Scheduled Caste, while the petitioner is a General candidate.

In reply to this learned counsel for the petitioner contended that the post of Head Master, which fell vacant was occupied by a candidate of the General category, and as such, same could not have been filled by the member of the Scheduled Caste.

In view of the roster for reservation provided in the Government Order dated 31.08.2001, the respondent have committed no illegality. In the circumstances, this Court is not inclined to quash the promotion of respondent No. 4. However, as far as the relief relating to entitlement of promotion of petitioner is concerned, it is directed that he may make a representation, within a period of ten days from today, and the concerned authority shall dispose of the same, within a period of forty five days from the date certified copy of this order along with the representation made by the petitioner, is produced before such authority.

With the above direction, the writ petition stand disposed of, finally. (Stay Application also stands disposed of, accordingly).

(P.C. P., J.)
10.10.2007

HN